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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,759	03/30/2005	Kenji Nakamura	Q87091	1603

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EXAMINER

A, MINH D

ART UNIT	PAPER NUMBER
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2821

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/529,759

Applicant(s)

NAKAMURA, KENJI

Examiner

Minh D. A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-3, 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a response to the Applicants' filing on 12/07/06. In virtue of this filing, claims 2-3, 5-11 are currently presented in the instant application.

Abstract Accepted

2. The abstract submitted on 3/30/05 is accepted.

Specification Accepted

3. The specification submitted on 2/2/07 is accepted.

Drawings Accepted

4. The drawings submitted on 12/07/06 is accepted.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 3, 7-8 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Arnold et al (US Patent No. 6,747,618).

Regarding claim 3, Arnold discloses in figure 1, a color organic light emitting diode display with improved lifetime comprising a display device (10) having a image plane is composed of a plurality of pixels (12) and the pixels (12) each have two or more sub-pixels (14R, 14G and 14B), and wherein the two or

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more sub-pixels (14R, 14G, 14B) have emission areas, which have sizes that are different from each other. See col.4, lines 10 to col.5, lines 1-16.

Regarding claims 7 and 11, Arnold discloses in figure 1, wherein an emission area of the pixel including the two or more sub-pixels is varied by controlling emission/nonemission conditions of the two or more sub-pixels.

Regarding claim 8, Arnold discloses in figure 1, a display device comprising a plurality of pixels (12), wherein each of the pixels (12) has at least a first sub-pixel (14R) and a second sub-pixel (14B), wherein the first sub-pixel (14R) has an emission area having a first size, and wherein the second sub-pixel (14B) has an emission area having a second size, which is different than the first size. See col.4, lines 10 to col.5, lines 1-16.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 5-6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Arnold et al (US Patent No. 6,747,618) in view of Imai (US Patent No. 6, 836,067).

Regarding claim 2, Arnold discloses in figure 1, a color organic light emitting diode display with improved lifetime comprising a display device (10)

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having an image plane is composed of a plurality of pixels (12) and the pixels (12) each have two or more sub-pixels (14R, 14G and 14B).

However, Arnold does not disclose a control electrode also serves both as the cathode of the organic EL element part and as an anode of the organic switching element part.

Imai discloses a control electrode (organic switching element (10)) also serves both as the cathode of the organic EL element part and as an anode of the organic switching element part. See figures 5-6, col.6, lines 59-67 to col.8, lines 1-5.

It would have been an obvious to one of ordinary skill in the art at the time the invention was made to employ the control electrode also serves both as the cathode of the organic EL element part and as an anode of the organic switching element part such as that suggested by Imai in the display device of Arnold to provide the control electrode for cathode and anode, since such a combination of the control electrode to creates a high and low functions has been well known in the art as evidenced by the teachings of Imai.

Regarding claims 5 and 9, Arnold discloses in figure 1, a display device (10) having an image plane is composed of a plurality of pixels (12) and the pixels (12) each have two or more sub-pixels (14R, 14G and 14B).

However, Arnold does not disclose the sub-pixels each are constructed with the organic EL laminate type organic switching element in which the an organic EL element part and an organic switching element part are laminated on each other, and a control electrode is provided to which a control signal line for

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controlling an emission/nonemission condition of the organic EL element part is electrically connected.

Imai discloses the sub-pixels each are constructed with the organic EL laminate type organic switching element in which the an organic EL element part(EL) and an organic switching element part (10) are laminated on each other, and a control electrode is provided to which a control signal line for controlling an emission/nonemission condition of the organic EL element part is electrically connected. See figures 5-6, col.6, lines 59-67 to col.8, lines 1-5.

It would have been an obvious to one of ordinary skill in the art at the time the invention was made to employ the control electrode also serves both as the cathode of the organic EL element part and as an anode of the organic switching element part such as that suggested by Imai in the display device of Arnold to provide the control electrode for cathode and anode, since such a combination of the control electrode to creates a high and low functions has been well known in the art as evidenced by the teachings of Imai.

Regarding claims 6 and 10, Arnold discloses in figure 1, a display device (10) having an image plane is composed of a plurality of pixels (12) and the pixels (12) each have two or more sub-pixels (14R, 14G and 14B).

However, Arnold does not disclose the sub-pixels each are constructed with the organic EL laminate type organic switching element in which the an organic EL element part and an organic switching element part are laminated on each other, and a control electrode is provided to which a control signal line for

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controlling an emission/nonemission condition of the organic EL element part is electrically connected.

Imai discloses the sub-pixels each are constructed with the organic EL laminate type organic switching element in which the an organic EL element part and an organic switching element part are laminated on each other, and a control electrode is provided to which a control signal line for controlling an emission/nonemission condition of the organic EL element part is electrically connected. See figures 5-6, col.6, lines 59-67 to col.8, lines 1-5.

It would have been an obvious to one of ordinary skill in the art at the time the invention was made to employ the sub-pixels each are constructed with the organic EL laminate type organic switching element in which the an organic EL element part and an organic switching element part are laminated on each other, and a control electrode is provided to which a control signal line for controlling an emission/nonemission condition of the organic EL element part is electrically connected such as that suggested by Imai in the display device of Arnold to provide the control electrode for cathode and anode and the an organic EL element part and an organic switching element part are laminated on each other, since such a combination of the control electrode to creates a high and low functions has been well known in the art as evidenced by the teachings of Imai.

Response to Arguments

9. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Citation of relevant prior art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Kobayashi (U.S. Patent No. 6,869,635) discloses an organic electroluminescence device.

Prior art Sato et al (U.S. 2004/0017162) discloses an organic electroluminescent light emitting display device.

Prior art Sakurai (U.S. Patent No. 6,940,222) discloses a self-emitting display apparatus having variable light emission area.

Inquiry

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 AM-2:45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Owens Douglas W can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner

Minh A

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Shih-Chao Chen
SHIH-CHAO CHEN
PRIMARY EXAMINER

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2/27/07